

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
September 24, 2007

- Call to Order Mayor Reeves called the Regular Meeting of the Union Gap City Council to order at 7:08 p.m.
- Council Members Present Council Members Jim Lemon, David Butler, Dan Olson, Toni Webb, Glenn Bateman, and Dan Vanover were present.
- Staff Present Bob Noe, City Attorney; Dennis Henne, Public Works Director; Tim Whitehurst, Interim Fire Chief; Robert Almeida, Police Chief; William Rathbone, Development Coordinator; Karen Clifton, City Treasurer; and Kathryn Thompson, City Clerk were present.
- Audience Present Ryan Croffut, Melissa Downes, Darrell Monroe, James Murr, Stephanie Kurn, Randi & Celia Butterfield, Bob Eschbach, Dave & Debbie Matson, Phil Salzman, Pastor David Dalton, Pastor Curtis Johnstone, Ray Kempf, Tony Reise, John Hodgkinson, Mike Brown, and others were present.
- Invocation Pastor David Dalton presented the invocation.
- Pledge of Allegiance Council Member Butler led the Pledge of Allegiance.
- Consent Agenda Motion by Council Member Vanover, seconded by Council Member Webb to approve the consent agenda, as follows:
- Approve the Study Session Council Meeting Minutes, dated September 10, 2007, as sent out on pages 4697 through 4700 of the Minute Book.
- Approve the Regular Council Meeting Minutes, dated September 10, 2007, as sent out on pages 4701 through 4707 of the Minute Book.
- Approve Claim Voucher Nos. 69924 through 70046 in the amount of \$801,260.10, dated September 24, 2007 and transfer from the operating funds to the Claims Fund.
- Adopt Resolution No. 682, A Resolution appointing members to the Yakima Hotel and Motel Commission to represent Union Gap on matters relating to the Yakima County Tourism Promotion Area.
- Reconsider adopting Resolution No. 676, A Resolution authorizing the Mayor to sign an Agreement for Court Interpreter Services with Columbia Interpreting Services.
- Declare sewer vactor truck surplus and authorize staff to sell the vactor truck.
- Motion carried unanimously; Council Member Wentz absent.
- Ordinance No. 2538 – Amending Municipal Code – Water Rights The City Attorney informed this ordinance was originally presented to add language that once a well is decommissioned, a new well cannot be drilled on the property. The ordinance was then revised to add compensation by the City paying for the decommissioning of the exempt wells and paying the costs of connecting to the City’s water system.
- Melissa Downes, Department of Ecology (DOE), informed a letter dated April 2, 1999 from DOE to the City, and a copy of RCW 90.44.105 were distributed to the Council tonight. She stated she and Darrell Monroe are present to answer questions.

Council Member Lemon stated it is his understanding that the exempt wells need to be decommissioned and the water rights transferred to the City when people hook-up to City water.

Ms Downes stated that is correct, that requirement is part of the statute in RCW 90.44.105.

Council Member Vanover questioned how many water rights the City obtains for each decommissioned well.

Ms Downes stated the statute allows a minimum of 800 gallons per day, which is about 1 acre foot, but the amount credited to the City depends on average use data provided.

Council Member Vanover informed the City does not meter the wells, and questioned if data from similar uses can be used.

Ms Downes stated yes, the usage of similar data is covered in the statute.

Council Member Olson questioned what the process is to decommission the wells, and stated he talked to a couple of well drillers and they did not know how to decommission the wells.

Ms Downes informed not all well drillers are familiar with decommissioning wells, but DOE has a well drilling coordinator that is working with the Public Works Director on the procedures.

Mr. Monroe informed WAC 173.160 addresses decommissioning of wells.

Council Member Lemon commented he likes the idea of this ordinance because the City already has an ordinance requiring the wells to be decommissioned; this is just to add compensation.

Council Member Vanover questioned how many decommissioned wells the City would need to apply for permanent water rights.

Ms Downes stated the City can apply for permanent water rights every year, it just depends how many decommissioned wells there are each year.

Mayor Reeves questioned if DOE has decided if the City has to apply for water rights one well at a time or if the City can group the wells together.

Ms Downes stated the Assistant Attorney General is looking into that issue right now, but the City will probably be able to group the wells together when applying for water rights.

Motion by Council Member Vanover, seconded by Council Member Butler to adopt and publish Ordinance No. 2538, An Ordinance amending Union Gap Municipal Code Section 12.04.015, "Water Rights". Motion carried unanimously; Council Member Wentz absent.

Resolution No. 649 –
Declaring Property
Surplus and
Authorizing Disposal

Council Member Olson commented this property is at South 3rd Avenue and Whatcom.

Council Member Lemon questioned if the property will be offered for sale.

Mayor Reeves stated this is a portion of property that is really only useful to the person next to it.

The Development Coordinator explained the property is approximately 50' x 100' and the City plans to keep approximately 25' and sell approximately 25' to the person next door, however, the person next door has an odd shaped parcel and the City is planning to purchase some land from them also. He stated the property appraises at \$1.00 a square foot, and after negotiating, we may just be trading checks.

Motion by Council Member Olson, seconded by Council Member Vanover to adopt Resolution No. 649, A Resolution declaring real property surplus and authorizing its disposal. Motion carried unanimously; Council Member Wentz absent.

Consider Proposed
Revisions to Ordinance
No. 2242, adopted in
2000, Regarding Sewer
Use Regulations

The Public Works Director informed this ordinance regulates discharge from commercial and industrial users through our sewer system and into the Yakima Regional Wastewater Treatment Plant (WWTP). He stated the WWTP operates under a federal NPDES permit that sets requirements for the plant. He stated the City receives 15-20 requests a year for this ordinance from businesses wanting to locate in Union Gap. He informed this ordinance has been in place since 2000 and we are required to have our ordinance be as stringent or more stringent than Yakima's ordinance.

Council Member Vanover questioned if this ordinance reflects comments from the City's engineers and the City Attorney.

The Public Works Director stated the City of Yakima drafted the ordinance and our engineers worked on it with Yakima and then our City Attorney reviewed it. He stated parts of the ordinance, such as Section 7, were eliminated because only Yakima has that provision.

Motion by Council Member Vanover, seconded by Council Member Webb to adopt and publish this ordinance as Ordinance No. 2540, An Ordinance relating to public services and utilities; providing authority to implement and enforce a fully delegated wastewater pretreatment program, including the eventual issuance and enforcement of wastewater discharge permits; providing accurate reference to administrative officials and divisions of the City of Union Gap; repealing and replacing Chapter 12.12 of the City of Union Gap Municipal Code.

Motion carried unanimously; Council Member Wentz absent.

Fire Department
Expenditure Request -
Photocopier

Tim Whitehurst, Interim Fire Chief, informed the Fire Department photocopier lease is expiring and they have researched options for replacing the copier. He informed they can purchase the current 5-year old copier at a cost of approximately \$4,400; they can continue to lease a copier at approximately \$254 a month plus tax; or they can purchase a new copier for approximately \$9,679 plus tax. He explained that the same copier they can purchase for \$9,679 would cost approximately \$16,000 if leased for five years.

Council Member Vanover questioned if the same maintenance plan is provided when you purchase a machine as when you lease a machine.

The Interim Fire Chief stated yes, it is the same maintenance plan.

Council Member Olson questioned if the money is included in the budget.

The City Treasurer stated she will check, but it appears the Fire Department has enough money in the machinery and equipment fund.

The City Clerk informed the Fire Department Secretary said there is money in the budget for this expense.

Items from the Audience

Motion by Council Member Webb, seconded by Council Member Vanover to approve the expenditure of \$9,679 plus tax and monthly maintenance charge of \$33.25 plus tax for a new Fire Department photocopier. Motion carried unanimously; Council Member Wentz absent.
There was no one present wishing to speak.

Rental of City Property at 3103 2nd Street. The City Attorney informed he is not preparing a rental agreement for the property at 3103 2nd Street because the zoning does not permit the use requested by Pastor Johnstone. He stated Pastor Johnstone is in the audience and questioned if anyone knew of any other property he may be able to rent.

Departmental Reports

Mayor Reeves informed the following reports are in the packet and questioned if the Council has any questions of the departments: Public Works Department Status Report – August 2007; Police Department Status Report – August 2007; New Businesses Report – August/September 2007.

Agenda for Oct. 8th Council Meeting

There were no additions to the Council agenda for October 8th.

Communications/ Questions/Comments

Franklin Street. Council Member Lemon stated he spoke with the Mayor and Public Works Director regarding the Union Gap School Principal inquiring if Franklin Street could be striped for parking.

The Public Works Director stated the school would like to use Franklin Street west of 2nd Street for parking, however, that is City right-of-way. He informed he will look into the idea of vacating the street and report back to Council, but the City needs to keep in mind that there are a couple of property owners on Franklin Street with garages in the alley. He stated he will also see if he can obtain a copy of a study the school conducted a couple of years ago regarding parking and transportation.

Mayor Reeves suggested obtaining a copy of the site plan for the new school also.

Recess to 20-Minute Executive Session

At 7:43 p.m., Mayor Reeves recessed the Regular Council meeting for a 20-minute executive session to discuss personnel issues.

Reconvene Meeting

At 7:59 p.m., Mayor Reeves reconvened the Regular Council meeting.

Adjournment

At 8:00 p.m., Mayor Reeves adjourned the Regular Council meeting.

These minutes dated September 24, 2007 were approved at the Regular Council Meeting of October 8, 2007.

Aubrey C. Reeves, Jr.
Mayor

ATTEST:

Kathryn Thompson, CMC
City Clerk